

By VINCENT THOMAS
Assemblyman, 68th District

The future of California's vast agricultural industry may be considerably changed by impending action of the European efforts to drive American grown and processed chickens out of their markets by practically doubling their tariffs on them, has been hitting newspaper headlines for months. It illustrates only too well what can happen to any of its wide variety of agricultural products which California trades internationally.

During our 1963 General Session an Assembly Resolution was introduced, calling for an interim study of methods by which our agricultural exports can be protected and encouraged. The Assembly Committee on Agriculture held a two-day hearing on the subject, at the same time the Governor's Export and Import Advisory Committees were meeting.

THE COMMITTEE was told that our state's agricultural production is so diversified that it is well-nigh impossible for our agricultural interests to present a completely united front on matters of interest to only one segment of the industry. This diversity is also a strength, however, because it serves to protect our farm economy from over-dependence on a small number of commodities, and encourages competitive and progressive production and marketing techniques.

Foreign commerce, it was said, is like a two-way street,

and involves both export and import. As a result it affects California farms in either one of two opposed ways. For some, world markets have always provided important and regular outlets. To others, they provide a means for disposing of occasional surpluses. For still others, they offer new and largely untried sales potentials.

IN SHARP contrast to these groups, however, is the substantial group to which foreign commerce appears as a distinct threat, because actual or potential imports could displace the California producer in the domestic market, or seriously cut

his share of it. This threat has already become an unpleasant reality for some commodities, as was later emphasized by some witnesses.

Spokesmen for the University, the Agricultural Extension Service, and the state Department of Agriculture described their cooperative investigations of all ramifications of the problem. Representatives of many different commodity groups discussed their experiences in foreign trade, and the successes or difficulties encountered. From livestock, through almonds, canned goods, olives to rice, all commodities will evidently face

some rough going in time to come.

THE CHAIRMAN of the Governor's export committee warned that California producers face not only the possibility of increased tariffs, but also discriminatory practices by foreign nations, such as quotes,

price fixing, and embargoes against our products. The chairman of the import committee said that our commodities which are sensitive to foreign competition face a very serious threat because of our government's policy to cut tariffs on imports from 50 to 100 per cent.

The chairman of the federal

committee which will negotiate tariff cuts with 55 countries this spring said, "We anticipate considerable soul searching over California specialty crops, such as olives, figs, and prunes." It was apparent to all that a real agricultural crisis is at hand, and the Committee is set to recommend any practical remedial action,

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Law In Action

Life-insurance people like to sell life insurance, but prefer the applicant to be healthy, or, at least, to have significant defects discovered in advance of entering into the contract. Accordingly, some companies require a medical test, others pose questions to the applicant regarding his health, while others apparently require neither.

Recently, a man and wife, not fluent in English, were asked to buy a family-insurance policy. The agent brought with him an interpreter who told the couple about the policy and took their application. The policy was to take effect only if the applicants were in "sound health" at the time.

THE WIFE did not tell the agent of her bad heart; merely indicating she had gone to the hospital for a cold. On the wife's death a few months later, the insurance company refused to pay, contending that she had failed to answer the health questions truthfully. The company made an offer to rescind the policy and refund the husband the premiums paid to date but the husband asked for payment on the policy.

The court held for the insurance company: It ruled that the wife's untrue answer had made the policy ineffective. Here the company had not waived the requirement of honest answers, such as would have been the case where the agent had actually known, or in fact should have known, if the answers were false. The company may have known that the applicant was in poor health, and still insured the risk.

SOMETIMES the applicant is not required to make any replies at all. If he passes any medical test, and is afterwards insured, the law presumes the company to have accepted him, and it may not later claim lack of good health in his part.

Somewhat similar thinking was used where an insured told the agent that he had had pains about his body from time to time. Without further inquiry into this complaint, the policy was issued. Soon afterwards the insured found that he was a victim of a serious blood disorder. It soon claimed his life. The court applied a theory of estoppel, holding that the insurance company had enough facts at the time it issued the policy to warn it that the insured was not in completely good health.

Under the circumstances, the company should have examined the applicant further to satisfy itself about his insurability.

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